



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes PLANNING COMMISSION

*Bob Kinney - Chairman*  
*Ann Watkins, Ward 1*  
*Jason Allen Waters, Ward 2*  
*Patrick Thompson, Ward 3*  
*John Schupp, Ward 4*  
*Kenneth Carter, Ward 5*  
*Stephen Diffley, Ward 7*

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Tuesday, October 2, 2012

6:00 PM

City Hall Council Chambers

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Present: R. W. "Bob" Kinney, Kenneth Carter, John J. Schupp, Stephen  
Diffley, Patrick Thompson, Jason Allen Waters  
Absent: Ann Watkins

*Staff:*

*Brian Binzer, Development Services Director*  
*Rusty Roth, Development Services Manager*  
*Patsy Bryan, Secretary to the Board*  
*Shelby Little, Urban Planner*  
*Daniel White, City Attorney*

### CALL TO ORDER & ROLL CALL:

*Chairman Kinney called the October 2, 2012 Planning Commission meeting to order at 6:00 p.m.*

*At this time, Chairman Kinney recognized Ken Dollar for his 17 1/2 years of service and dedication to the Planning Commission, most of this time being Chairman.*

*Mr. Dollar thanked his former colleagues, previous councilmen, and staff.*

### MINUTES:

**20120934**

September 4, 2012 Regular Planning Commission Meeting Minutes

Review and Approval of the September 4, 2012 Planning Commission Meeting Minutes  
*File #20120934 – Review and Approval of the September 4, 2012 Regular Planning Commission Meeting Minutes*

*A public hearing was held.*

*Mr. Thompson made a motion to approve the minutes as printed, seconded by Mr. Diffley. Motion carried 6 – 0.*

**A motion was made by Patrick Thompson, seconded by Stephen Diffley, that this matter be Approved and Finalized. The motion carried by the following vote:  
6 – 0 – 0**

**Absent:** 1 - Watkins

## **REZONINGS:**

**20120859**

**Z2012-07 Ray Worden 361/363 Campbell Hill Street**

**Z2012-07 [REZONING] RAY WORDEN** requests rezoning for a portion of the property located in Land Lot 11470, District 16, Parcel 0390, 2nd Section, Marietta, Cobb County, Georgia and being known as 361/363 Campbell Hill Street from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use so the property may be used as a residence(duplex). Ward 4.

*File #20120859 (Z2012-07) was presented by Mr. Roth for property located in Land Lot 11470, District 16, Parcel 0390 and being known as 361/363 Campbell Hill Street.*

*A public hearing was held.*

*Mr. Worden is asking to rezone the property from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use as a duplex.*

*As explained by Mr. Worden, the house is 100 years old and surrounded by nine other NRC properties. The property has been vacant for over 6 months and lost the "grandfathered" status.*

*Key Carlisle, a resident of 29 Sessions Street, expressed support for the improvements Mr. Worden has planned for the property.*

*Mike Pope, a resident of Maple Avenue and a resident of Marietta since 1968, serves on the Cobb Preservation Foundation with Mr. Worden.*

*Scott Loughrey, a resident of 225 Brumby Street, is not against Mr. Worden's project; however, he is concerned with the city encouraging commercial development on Campbell Hill Street. There are plenty of abandoned commercial properties available in the city with plenty of parking. These are shotgun houses with no parking on Campbell Hill Street. Mr. Loughrey stated that there will be less parking when the bike path comes through this area. During yoga classes there can be as many as 14 cars making Campbell Hill Street a one-way street.*

*Mr. Thompson and Mr. Worden discussed the future use as a duplex. The footprint will remain the same and Mr. Worden plans to rebuild the front porch to its original design.*

*Mr. Schupp questioned Mr. Roth regarding the 6 variances requested.*

*Chairman Kinney expressed concern about parking for a duplex. Further discussion*

*continued regarding parking on grass, gravel or pavement, and parking in the rear.*

*Further discussion took place regarding different scenarios of the reconstruction of the property. .*

*Mr. Thompson made a motion to approve the application, as submitted, seconded by Mr. Carter with the stipulation that if the property is redeveloped it would revert back to NRC (Neighborhood Retail Commercial). Motion carried 6-0.*

**A motion was made by Patrick Thompson, seconded by Kenneth Carter that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote: 6 – 0 – 0**

**Absent:** 1 - Watkins

**20120901**

**Z2012-08 Russell Mullins (for 591 Colonial Circle, LLC) 591 Colonial Circle**

**Z2012-08 [REZONING] 591 COLONIAL CIRCLE, LLC** requests rezoning for property located in Land Lot 12870, District 16, Parcel 0560, 2nd Section, Marietta, Cobb County, Georgia and being known as 591 Colonial Circle from LRO (Low Rise Office) to LRO (Low Rise Office) with an additional use so the property may be used as a residence (multi-family). Ward 1.

*File #20120901 (Z2012-08) was presented by Mr. Roth for property located in Land Lot 12870, District 16, Parcel 0560 and being known as 591 Colonial Circle.*

*A public hearing was held.*

*Russell Mullins, owner of 591 Colonial Circle, is requesting rezoning from LRO (Low Rise Office) to LRO (Low Rise Office) with an additional use for the property to be used as a multi-family residence. Mr. Mullins also owns 595 Colonial Circle and has completed renovations. When Mr. Mullins tried obtaining permits it was discovered that 591 Colonial Circle had been vacant for more than 6 months.*

*No one spoke in favor or in opposition to this request.*

*Mr. Diffley and Mr. Mullins discussed parking and additional parking will be added between 591 and 595 Colonial Circle.*

*Mr. Thompson made a motion to approve the request as submitted with the stipulation that, upon any redevelopment, the property will revert back to LRO (Low Rise Office), second by Mr. Carter. Motion carried 6 – 0.*

**A motion was made by Patrick Thompson, seconded by Kenneth Carter that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote: 6 – 0 – 0**

**Absent:** 1 - Watkins

## **OTHER BUSINESS:**

**20120814**

**CA2012-07 Amendment to the Comprehensive Development Code regarding Fences and Walls, Division 710.04 Fences and Walls**

**CA2012-07 [Code Amendment] Proposal to amend the Comprehensive Development Code.** Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 710.04, Fences and Walls.

*File #20120814 (CA2012-07) was presented by Mr. Roth for an Amendment to the Comprehensive Development Code regarding fences and walls.*

*A public hearing was held.*

*As explained by Mr. Roth, the city of Marietta is proposing to revise the regulations regarding fences, particularly in residential areas on corner lots. The change includes allowing 6 foot fences in the side yard against a road as opposed to 4 foot fences which are in the regulations currently.*

*No one spoke in support or opposition to this request.*

*The public hearing was closed.*

*Mr. Schupp asked for clarification about the side lot 6 foot height section. Mr. Roth explained that the fence height can be 6 feet and cannot go in the front yard which starts at the front face of the building. The design criteria are not changing as Mr. Roth explained. At the current time, it is a wooden fence, wrought iron fence, or similar material and approved by the Development Services Director. The finished side of a wooden fence has to face the exterior and cannot face the interior.*

*Mr. Roth stated that fence requirements, as far as finished materials, do not dictate if a fence has to be painted or stained.*

*Mr. Schupp asked if stricter requirements as to fence materials, aesthetics, detail and maintenance could be included as part of the fence criteria.*

*Mr. Roth explained that many of the recent variances granted for fences have required, as part of the approval, to be stained and landscaped. A discussion of the different types of fences/walls along Kennesaw Avenue continued.*

*Mr. Schupp stated that he would like to push the fence standards to include higher quality materials, not just for historic districts, but everywhere.*

*Mr. Diffley made a motion to accept the ordinance as printed, seconded by Mr. Waters. Motion carried 5 – 1 – 0. Mr. Schupp opposed.*

*Chairman Kinney agrees that Mr. Schupp has a legitimate point. Mr. Thompson feels that this is an issue to be brought before council.*

**A motion was made by Stephen Diffley, seconded by Jason Allen Waters that this matter be Recommended for Approval. The motion carried by the following vote: 5 – 1 – 0**

**Absent:** 1 - Watkins

**Vote Against:** 1 - Schupp

**20120854**

**CA2012-08 Amendment to the Comprehensive Development Code regarding Division 708, District Standards and Permitted Uses, by amending Section 708.29, RRX, Railroads and railroad crossings; and Division 714, Signs, Paragraph 714.04(F), General Regulations, Paragraph F.**

**CA2012-08 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708, District Standards and Permitted Uses, by amending Section 708.29, RRX, Railroads and railroad crossings; and Division 714, Signs, Paragraph 714.04 (F), General Regulations , Paragraph F.**

*File #20120854 (CA2012-08) was presented by Mr. Roth for an Amendment to the Comprehensive Development Code regarding a proposed new section for RRX, Railroads and railroad crossings district and amending Division 714, Signs, in that area.*

*A public hearing was held.*

*Mr. James Dodd was present and asked for more detail. As Mr. Roth explained, information provided by the city attorney identified another city where a railroad right-of-way was proposed as a location for a new billboard and, because the railroad right-of-way does not have a zoning classification assigned to it, there is nothing to prohibit that type of sign near the railroad or railroad right-of-way. The city of Marietta is proposing a zoning classification for all right-of-way that would allow railroads, railroad related purposes, or structures incidental to the railroad be allowed but would not allow a billboard or any signage not associated with the railroad.*

*As explained by Chairman Kinney, nothing proposed in the ordinance would affect or interfere with railroad operations. Railroads are fairly substantial real estate holders and there are times when railroads have property that is outside their operational needs. This would apply the city zoning rules to that property with the specific exclusion of railroad operations.*

*The public hearing was closed.*

*Mr. Thompson made a motion to accept the code amendment as presented, seconded by Mr. Carter. Motion carried 6 – 0.*

**A motion was made by Patrick Thompson, seconded by Kenneth Carter that this matter be Recommended for Approval. The motion carried by the following vote:  
6 – 0 – 0**

**Absent:** 1 - Watkins

## **ADJOURNMENT:**

Mr. Diffley made a motion to adjourn, seconded by Mr. Carter. The October 2, 2012 Planning Commission meeting adjourned at 6:50 p.m.

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ROBERT W. KINNEY, CHAIRMAN

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PATSY BRYAN, SECRETARY